

32692

Customer Number

Patent
Case No.: 54567US013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: VON JAKUSCH, EGBERT A.

Application No.: 09/856416

Confirmation No.: 7900

Filed: November 2, 1999

Title: NON-WOVEN ADHESIVE TAPE FOR THE MANUFACTURING
OF A DIAPER CLOSURE SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.

May 24, 06

J. Hass

Signed by: Irina Hass

Dear Sir:

This is in response to the Office Action mailed May 4, 2006. Claims 1-16 are pending.

Claims 1-16 were subject to restriction and/or election requirement as follows:

- Group I. Claims 1-10, drawn to an adhesive tape.
Group II. Claim 11, drawn to an absorbent article.
Group III. Claims 12-16, drawn to a release coating.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

In Group I. Applicants broadly claim a tape or prelaminated composite tape.

Applicants submit that the Groups I, II and III claims are so interrelated that a search of one group of claims will reveal art to the other.

Were restriction to be effected between the claims in Groups I, II and III, a separate examination of the claims in Groups II and III would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I, II and III would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I, II and III, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

Date

May 24, 06

By:

William J. Bond, Reg. No.: 32,400
Telephone No.: 651-736-4790

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833